

memorandum

DATE: June 27, 2000

REPLY TO  
ATTN OF: Office of Environmental Policy and Guidance (EH-413):Fortune:6-7302

SUBJECT: EPA Advance Notice of Proposed Rulemaking: Improving the Land Disposal Restrictions Program

TO: Distribution

Purpose of this Memo	<p>To notify DOE elements that the U.S. Environmental Protection Agency (EPA) published an <i>advance notice of proposed rulemaking (ANPRM)</i> on June 19, 2000 (65 <u>FR</u> 37932), which describes issues, directions, and options being considered for improving the Land Disposal Restrictions (LDR) program for treating hazardous waste under the Resource Conservation and Recovery Act (RCRA).</p> <p>To request that DOE elements review and provide comments in response to this ANPRM.</p>
Intent of Regulatory Initiative	<p>The ANPRM is part of an EPA effort to reexamine the LDR program with respect to whether the existing regulations minimize threats to human health and the environment in the most appropriate manner. In particular, EPA intends to address certain implementation issues and consider possible revisions to the current regulations to make them more: [1] environmentally protective; [2] cost-effective; [3] flexible for implementors and the regulated community; and [4] clear and enforceable.</p>
Topics Addressed	<p>The ANPRM presents information about 9 primary topics (listed below), and explains related options that could lead to changes in the LDR regulations. The topics and associated requests for comment focus on:</p> <div><div>❶</div><div>Ways for the LDR program to further encourage source reduction and recycling.</div></div> <div><div>❷</div><div>Ways for the LDR program to encourage the development and use of innovative treatment technologies.</div></div> <div><div>❸</div><div>The concern that some stabilization technologies, which meet LDR treatment standards for metal-bearing hazardous wastes, may not provide long-term immobilization of metal constituents.</div></div> <div><div>❹</div><div>Whether the existing treatment standards for F001-F005 spent solvent wastes should be revised to address metals and other hazardous constituents of concern.</div></div> <div><div>❺</div><div>A concern that, because the current LDR treatment standard (i.e., deactivation) for certain reactive wastes does not require destruction of the components in the wastes that cause it to be reactive, the treatment standard may not be adequately protective of human health and the environment.</div></div> <div><div>❻</div><div>Whether EPA should be required to solicit public comments on petitions for Determinations of Equivalent Treatment (DETs) so that the public will have a voice in decisions that impact hazardous waste treatment in their own communities.</div></div> <div><div>❼</div><div>Whether to restrict the use of the macroencapsulation treatment standard to certain types of wastes or debris (e.g., inorganic debris contaminated with inorganic constituents that cannot be otherwise treated).</div></div>

- ⑧ The possibility of establishing a single waste code for incinerator ash (with its own LDR treatment standards), and issues related to implementing such an approach.
- ⑨ Difficulties experienced (e.g., analytical problems, concerns about worker exposure to radiation) when applying the LDR requirements to **mixed wastes**. Input is requested on whether specified technologies should be established as the treatment standards for certain additional mixed wastes.

**Availability of ANPRM** The ANPRM was published in the *Federal Register* at 65 FR 37932 - 37956, and can be accessed via the Internet at:

*<http://www.epa.gov/epaoswer/hazwaste/ldr/reinvent.html>*

**Action Items** DOE elements are requested to provide their comments (and available supporting data) to the Office of Environmental Policy and Guidance (EH-41) **on or before Wednesday, August 23, 2000**.

- In providing your input, please refer to the specific sections of the ANPRM to which each item pertains.
- Input may be submitted (with a signed, hard copy to follow) to:

FAX (202) 586-3915  
E-Mail [william.fortune@eh.doe.gov](mailto:william.fortune@eh.doe.gov)

Based on the input from DOE elements and an internal analysis, EH-41 will develop a consolidated Departmental response to the ANPRM.

**Contact** If you have questions regarding the ANPRM or this request for comments, please contact Bill Fortune at (202) 586-7302.



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